

ESTTA Tracking number: **ESTTA636502**Filing date: **11/03/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Unum Group
Granted to Date of previous extension	11/02/2014
Address	One Fountain Square Chattanooga, TN 37402 UNITED STATES

Attorney information	Michelle Alvey Husch Blackwell LLP 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 UNITED STATES pto-sl@huschblackwell.com, Michelle.Alvey@huschblackwell.com, Arkadia.Olson@huschblackwell.com, Nicole.Anderson@huschblackwell.com Phone:314-480-1500
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**Applicant Information**

Application No	85631001	Publication date	05/06/2014
Opposition Filing Date	11/03/2014	Opposition Period Ends	11/02/2014
Applicant	HIBU (UK) LIMITED ONE READING CENTRAL READING, BERKSHIRE, RG1 3YL UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paper; printed publications, namely, telephone directories, printed classified directories, general feature magazines, general feature community newsletters and general feature community magazines; printed publications, namely, newsletters and magazines in the field of local news, local businesses, local personalities and community events and happenings; printed publications, namely, newsletters and magazines in the field of general human interest; printed publications, namely, newsletters and magazines in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; printed publications, namely, newsletters and magazines in the field of business, advertising and marketing, e-commerce, the internet, computers, or importing and exporting and international trade; books in the field of business; books in the field of general human interest; books in the field of local news, local businesses, local personalities and community events and happenings; books in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; books in the field of advertising and marketing, e-commerce, the internet, computers, or importing and exporting and international trade; booklets, leaflets, brochures and manuals in the field of business; books in the field of general human interest; booklets, leaflets, brochures and manuals in the field of local news, local

businesses, local personalities and community events and happenings; booklets, leaflets, brochures and manuals in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; booklets, leaflets, brochures and manuals in the field of advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; posters; maps; photographs; stationery; wrapping paper; printed instructional and teaching materials in the field of business, electronic commerce, advertising, marketing, computers, the internet, and importing and exporting and international trade

Class 036. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Financial services, namely, provision of financial information via a global computer network, financial valuation of real estate, electronic bill payment services, electronic payment services involving electronic processing and subsequent transmission of bill payment data, electronic money transfer services; financial services, namely, provision of financial, insurance and banking information via the internet; financial services, namely, computer services, namely, providing online links to information and web sites available via the Internet in the fields of personal finances and insurance; financial advice and consultancy services; information and advisory services relating to finance and insurance; issuance, authorization and validation of credit cards, debit cards, token cards and charge cards; credit card, debit card, charge card and payment card services; credit inquiry services; issuance and redemption of tokens and vouchers for payment for goods and services; automated payment processing services; electronic payment processing services

## Applicant Information

Application No	85630997	Publication date	05/27/2014
Opposition Filing Date	11/03/2014	Opposition Period Ends	
Applicant	HIBU (UK) LIMITED ONE READING CENTRAL READING, BERKSHIRE, RG1 3YL UNITED KINGDOM		

## Goods/Services Affected by Opposition

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paper; printed publications, namely, telephone directories, printed classified directories, general feature magazines, general feature community newsletters and general feature community magazines; printed publications, namely, newsletters and magazines in the field of local news, local businesses, local personalities and community events and happenings; printed publications, namely, newsletters and magazines in the field of general human interest; printed publications, namely, newsletters and magazines in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; printed publications, namely, newsletters and magazines in the field of business, advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; books in the field of business; books in the field of general human interest; books in the field of local news, local businesses, local personalities and community events and happenings; books in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; books in the field of advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; booklets, leaflets, brochures and manuals in the field of business; books in the field of general human interest; booklets, leaflets, brochures and manuals in the field of local news, local businesses, local personalities and community events and happenings; booklets, leaflets, brochures and manuals in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; booklets, leaflets, brochures and manuals in the field of advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; posters; maps; photographs; stationery; wrapping paper; printed instructional and teaching materials in the field of business, electronic commerce, advertising, marketing, computers, the internet, and importing and exporting and international trade

Class 036. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Financial services, namely, provision of financial information via a global computer network, financial valuation of real estate, electronic bill payment services, electronic payment services involving electronic processing and subsequent transmission of bill payment data, electronic money transfer services; financial services, namely, provision of financial, insurance and banking information via the internet; financial services, namely, computer services, namely, providing online links to information and web sites available via the Internet in the fields of personal finances and insurance; financial advice and consultancy services; information and advisory services relating to finance and insurance; issuance, authorization and validation of credit cards, debit cards, token cards and charge cards; credit card, debit card, charge card and payment card services; credit inquiry services; issuance and redemption of tokens and vouchers for payment for goods and services; automated payment processing services; electronic payment processing services

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## Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3389569	Application Date	02/06/2007
Registration Date	02/26/2008	Foreign Priority Date	NONE
Word Mark	UNUM		
Design Mark			
Description of Mark	The mark consists of the word UNUM with a circle above the letter N, a circle above the letter U, and a circle above the letter M.		
Goods/Services	Class 016. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/11 publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits Class 036. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/11 Insurance underwriting services; insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services services		

U.S. Registration No.	3386102	Application Date	02/06/2007
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	UNUM		

Design Mark	
Description of Mark	The mark consists of the word UNUM in blue with a circle in light blue above the letter N, a circle in light blue above the letter U, and a circle in light blue above the letter M.
Goods/Services	Class 016. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/11 publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits Class 036. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/11 Insurance underwriting services; insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services

U.S. Registration No.	3544194	Application Date	02/16/2007
Registration Date	12/09/2008	Foreign Priority Date	NONE
Word Mark	UNUM BETTER BENEFITS AT WORK.		
Design Mark			
Description of Mark	The mark consists of the word "UNUM" in blue with a circle in light blue above the letter "N", a circle in light blue above the letter "U", and a circle in light blue above the letter "M" with the words "BETTER BENEFITS AT WORK" in blue below the word "UNUM".		
Goods/Services	Class 016. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/12 publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits Class 036. First use: First Use: 2007/04/11 First Use In Commerce: 2007/04/12 Insurance underwriting services; insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services		

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle Alvey/
Name	Michelle Alvey
Date	11/03/2014

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on November 3, 2014.

/Michelle Alvey/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application  
Serial Nos. 85631001 and 85630997

Unum Group,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
HIBU (UK) LIMITED	)	
	)	
	)	
Applicant.	)	


**CONSOLIDATED NOTICE OF OPPOSITION**

Unum Group (“Opposer”), a Delaware corporation, with a place of business at One Fountain Square Chattanooga TN 37402, believes it will be damaged by the registration of the marks shown in Application Serial Nos. 85631001 and 85630997 (the “Applications”) in connection with the Class 16 goods and Class 36 services (the “Opposed Goods and Services”), and hereby opposes the same.

As grounds for opposition, Opposer states:

1. On May 21, 2012, Applicant HIBU (UK) LIMITED, having an address at One Reading Central, Frobury Road, Reading, Berkshire RG1 3YL, United Kingdom (“Applicant”) filed

Application No. 85631001 for the mark  and Application No. 85630997 for the

mark  (the “Marks”), both covering the following Opposed Goods and Services:




Class 16: Paper; printed publications, namely, telephone directories, printed classified directories, general feature magazines, general feature community newsletters and general feature community magazines; printed publications, namely, newsletters and magazines in the field of local news, local businesses, local personalities and community events and happenings; printed publications, namely, newsletters and magazines in the field of general human interest; printed publications, namely, newsletters and magazines in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; printed publications, namely, newsletters and magazines in the field of business, advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; books in the field of business; books in the field of general human interest; books in the field of local news, local businesses, local personalities and community events and happenings; books in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; books in the field of advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; booklets, leaflets, brochures and manuals in the field of business; books in the field of general human interest; booklets, leaflets, brochures and manuals in the field of local news, local businesses, local personalities and community events and happenings; booklets, leaflets, brochures and manuals in the field of entertainment, upcoming events, recreational and leisure activities and cultural activities; booklets, leaflets, brochures and manuals in the field of advertising and marketing, ecommerce, the internet, computers, or importing and exporting and international trade; posters; maps; photographs; stationery; wrapping paper; printed instructional and teaching materials in the field of business, electronic commerce, advertising, marketing, computers, the internet, and importing and exporting and international trade

Class 36: Financial services, namely, provision of financial information via a global computer network, financial valuation of real estate, electronic bill payment services, electronic payment services involving electronic processing and subsequent transmission of bill payment data, electronic money transfer services; financial services, namely, provision of financial, insurance and banking information via the internet; financial services, namely, computer services, namely, providing online links to information and web sites available via the Internet in the fields of personal finances and insurance; financial advice and consultancy services; information and advisory services relating to finance and insurance; issuance, authorization and validation of credit cards, debit cards, token cards and charge cards; credit card, debit card, charge card and payment card services; credit inquiry services; issuance and redemption of tokens and vouchers for payment for goods and services; automated payment processing services; electronic payment processing services

Both Applications are based on an alleged bona fide intent to use the Marks in commerce.

2. Opposer owns extensive common law rights in and to the mark UNUM and Design, for a wide variety of insurance-related goods and services, including without limitation the goods and services listed in the chart below (“Opposer’s Goods and Services”). Opposer is also the owner of numerous United States Trademark Applications and Registrations, including without

limitation those listed below (all of Opposer's rights in and to the marks referenced above and included below are collectively referred to as the "UNUM Marks"):

Trademark	Status/Key Dates	Goods/Services
 SN:77-100706 RN:3,389,569	Registered 8 & 15 March 6, 2014  Int'l Class: 16, 36 First Use: April 11, 2007 Filed: February 6, 2007 Published: August 21, 2007 Allowed: November 13, 2007 Registered: February 26, 2008	(Int'l Class: 16) Publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits (Int'l Class: 36) Insurance underwriting services; insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services services
 SN:77-100713 RN:3,386,102	Registered 8 & 15 March 6, 2014  Int'l Class: 16, 36 First Use: April 11, 2007 Filed: February 6, 2007 Published: September 4, 2007 Allowed: November 27, 2007 Registered: February 19, 2008	(Int'l Class: 16) Publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits (Int'l Class: 36) Insurance underwriting services; insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services
	Registered December 9, 2008	(Int'l Class: 16) Publications, namely, pamphlets, brochures, flyers, and newsletters in the field of insurance and employee benefits (Int'l Class: 36) Insurance underwriting services;



<b>Trademark</b>	<b>Status/Key Dates</b>	<b>Goods/Services</b>
SN:77-109271 RN:3,544,194	Int'l Class: 16, 36 First Use: April 11, 2007 In Commerce: April 12, 2007 Filed: February 16, 2007 Published: January 8, 2008 Allowed: April 1, 2008	insurance administration; insurance claims administration; processing of insurance claims and payment data; insurance consultation; reinsurance underwriting services

3. Since long prior to the filing date of the Applications and/or any alleged date of first use by Applicant, Opposer has extensively used its UNUM Marks in connection with Opposer's Goods and Services, which are identical or similar to Applicant's Opposed Goods and Services.

4. The UNUM Marks are distinctive, well-known and are uniquely associated with Opposer, by reason of Opposer's continuous advertising, sales and use of the UNUM Marks, all of which occurred prior to the filing date of the Applications and any alleged date of first use.

5. On information and belief, the Opposed Goods and Services are or will be directed to the same or related class of customers as are Opposer's Goods and Services and will be sold in the same channels of trade.

6. Applicant's Marks so resemble the UNUM Marks as to be likely, when used in conjunction with Applicant's Opposed Goods and Services, to cause confusion, mistake, or deception by causing the public to believe that Applicant's Marks will originate from, or are otherwise sponsored or endorsed by Opposer in violation of Lanham Act §2(d) (15 U.S.C. 1052(d)).

7. For at least the reasons stated above, Opposer will be damaged by Applicant's registration of Application Nos. 85631001 and 85630997 in connection with the Opposed Goods and Services.

8. WHEREFORE, Opposer prays that Application Nos. 85631001 and 85630997 be refused registration in connection with the Opposed Goods and Services.

Opposer requests that, if there is any insufficiency in the payment of the statutory filing fee, such amount be debited from its Deposit Account No. 11-0160.

Dated: November 3, 2014

Respectfully submitted,

By: /Michelle Alvey/  
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*Attorneys for Opposer Unum Group,*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Notice of Opposition was served by U.S. First Class Mail, postage prepaid on this 3<sup>rd</sup> day of November 2014 upon the following:

ALEXANDRA NICHOLSON, Esq.  
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UNITED KINGDOM

/Michelle Alvey/